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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,  
  
Plaintiff,  
  
vs.  
  
GOOGLE, INC.,  
  
Defendant.

Case No. C 10-3561 WHA

**DECLARATION OF DR. JAMES R.  
KEARL IN SUPPORT OF  
RESPONSE OF DR. JAMES R. KEARL,  
RULE 706 EXPERT, TO GOOGLE'S  
RESPONSE TO ORACLE'S MOTION IN  
LIMINE #6 REGARDING RULE 706  
EXPERT, PROFESSOR JAMES KEARL**

Dept.: Courtroom 8, 19th Floor  
Judge: Hon. William H. Alsup

I, James R. Kearl, declare as follows:

1. By Orders dated August 30, 2011 (Dkt. 374) and September 9, 2011 (Dkt. 413) I was appointed by this Court pursuant to Rule 706 of the Federal Rules of Evidence to serve as an independent expert on the issue of damages claimed by plaintiff Oracle America, Inc. in the present action. My biographical information and credentials are set forth in my expert report dated March 21, 2012 which has been previously served on the parties.

2. Attached hereto as Exhibit A are true and correct copies of excerpts from the Expert Report of Professor James R. Kearl, March 21, 2012.

Executed this 13<sup>th</sup> day of April 2016 at Provo, Utah.

James R. Kearl

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John L. Cooper